



October 17, 2022

VIA CM/ECF

United States District Court
Southern District of New York
Hon. Jennifer L. Rochon
500 Pearl St., Room 20B
New York, NY 10007-1312

RE: Richard Fichtl v. First Unum Life Insurance Company
Case No.: 22-cv-06932 (JLR)

Dear Judge Rochon:

Pursuant to the Court's Order dated October 6, 2022, (DE 19), please accept this as the Parties' Joint Letter for the Initial Pretrial Conference scheduled for October 25, 2022 at 10:30 a.m.

1) Nature of the Case

Plaintiff brought this action pursuant to 29 U.S.C. § 1132(a)(1)(B), to recover long term disability benefits under an employee benefit plan governed by ERISA.

2) Jurisdiction and Venue

This Court's jurisdiction is invoked pursuant to 28 U.S.C. § 1337 and 29 U.S.C. § 1132(e) (ERISA § 502(e)). Plaintiff's claims "relate to" "employee welfare benefits plan[s]" as defined by ERISA, 29 U.S.C. § 1001 et seq. and the subject

Benefit Plan constitutes “plan[s] under ERISA.” Venue is proper within the Southern District of New York pursuant to 29 U.S.C. § 1132(e)(2).

3) Existing deadlines, due dates, and/or cut-off dates

There currently are no existing deadlines, due dates, and/or cut-off dates.

4) Outstanding Motions

There currently are no outstanding motions.

5) Discovery

Because this lawsuit involves solely a claim for benefits pursuant to ERISA § 502(a)(1)(B), 29 U.S.C. § 1132(a)(1)(B), Plaintiff believes that discovery should be limited to the Administrative Record, and no discovery beyond the Administrative Record of Plaintiff’s claim is appropriate in this case.

6) Prior Settlement Discussions

There have been no settlement discussions as yet. Plaintiff intends to initiate settlement discussions in the near future following Defendant’s appearance.

7) Alternate Dispute Resolution Mechanisms

Parties have discussed private mediation with JAMS.

8) Other Matters

As this case concerns a claim under ERISA § 1132(a)(1)(B), Plaintiff states that the initial disclosure requirement for the parties should be fulfilled by Defendant providing Plaintiff with a complete copy of its “Proposed ERISA Administrative Record.”

The parties also attach to this letter their Proposed Case Management Plan and Scheduling Order.

Respectfully submitted,

ATTORNEYS DELL AND SCHAEFER,
CHARTERED

WHITE AND WILLIAMS, LLP

BY: /s/ Stephen F. Jessup

STEPHEN F. JESSUP, ESQ.

Fl. Bar No.: 26264

Email: stephen@diattorney.com

JEREL C. DAWSON

Fl. Bar No: 152390

Email: jerel@diattorney.com

GREGORY M. DELL

New York Bar No.: 4513115

Email: gdel@diattorney.com

Attorneys for Plaintiff

2625 Weston Rd.

Weston, FL 33331

P: (954) 620-8300

BY: /s/ Robert Wright

ROBERT WRIGHT, ESQ.

Attorneys for Defendant

7 Times Square, Suite 2900

New York, New York 10036

P: (215) 864-6329